



7-16-04

RCE 1645 JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kenneth Tucker, et al Confirmation No.: 1989
Serial No. 09/813,214 Art Unit: 1645
Filed: 03/20/2001 Examiner: Shahnan-hah, Khatols
For: *Moraxella Catarrhalis* Outer Attorney Docket No.: 089-999
Membrane Protein-106
Polypeptide, Gene Sequence and
Uses Thereof

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a request for continued examination under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 CFR 1.114

- ☒ Response Under 37 C.F.R. § 1,114 with Amendments and attached Exhibits A & B
- ☒ Transmittal of Substitute Sequence Listing Under 37 C.F.R. § 1.821
- ☒ Substitute Sequence Listing - paper format
- ☒ Substitute Sequence Listing - computer readable format
- ☒ Terminal Disclaimer to Obviate A Provisional Double Patenting Rejection Over a Pending Second Application
- ☒ First Supplemental Information Disclosure Statement

2. Miscellaneous

- ☒ Petition for Three Month Extension of time

3. Fees

- ☒ RCE fee - \$770.00
- ☒ Extension of time fee - \$950.00
- ☒ Disclaimer fee - \$110.00
- ☒ A check in the amount of \$1,830.00 is enclosed. The director is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 502197.

Respectfully submitted,

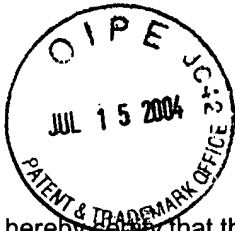
Date: 14 July 2004

John M. Naber
John M. Naber (Reg. No. 46,487))
Robert C. Casad, Ph.D. (Reg. No. 51,535)
FOSTER, SWIFT, COLLINS & SMITH, P.C.
313 South Washington Square
Lansing, Michigan 48933
(517) 371-8293

07/19/2004 MBLANCO 00000001 09813214

01 FC:1801

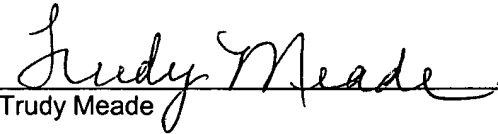
770.00 OP



Certificate of Mailing

I hereby certify that the foregoing Request for Continued Examination (RCE) Transmittal with all referenced attachments are being deposited with the United States Postal Service Express Mail Service with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: July 15, 2004


Trudy Meade

Express Mail Label No. EV 458150472 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kenneth Tucker, et al. GAU: 1645
Application No.: 09/813,214 Examiner: Shahnan-Shah, Khatols
Filed: 3/20/2001 Attorney Docket No.: 089-999
Title: *MORAXELLA CATARRHALIS* OUTER MEMBRANE PROTEIN-106
POLYPEPTIDE, GENE SEQUENCE AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.114 WITH AMENDMENTS

In connection with the accompanied Request for Continued Examination, please enter the amendments below and consider the foregoing remarks, which are fully responsive to Final Office Action of January 15, 2004.

Also submitted with this response are:

1. Terminal Disclaimer in accordance with 37 C.F.R. § 1.321.
2. Substitute Sequence Listing in paper and computer readable form pursuant to 37 C.F.R. §§ 1.821 (c), (d) and (e).
3. Transmittal of Substitute Sequence Listing Under 37 C.F.R. § 1.821;
4. Exhibit A: List of polypeptide sequences with significant homology to SEQ ID NO: 1 published or claimed before 1998 as identified by STN/REGISTRY BLAST comparison;
5. Exhibit B: Bibliographic information concerning registry number 184922-39-2;
and
6. First Supplemental Information Disclosure Statement.

Response Under 37 C.F.R. § 1.114 with Amendments
Serial No. 09/813,214
Page 1 of 18

~~07/19/2004 MBLANED 00000001 09813214~~

~~02-56-1853~~

~~950-00-00~~